

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DANIEL J. PFLANZER,

Plaintiff,

-against-

JOHN DOE PC d/b/a AADVANCED FOOTCARE
ASSOCIATES, HAL F. ABRAHAMSON,
DEBRA B. MANHEIM AND HAL F.
ABRAHAMSON AS THE EXECUTOR OF THE
ESTATE OF IVAN ABRAHAMSON,

Defendants.
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Docket No. 18-CV-02676-WFK-LB

**DEFENDANTS' LOCAL RULE
56.1 COUNTER STATEMENT
OF FACTS**

Pursuant to Local Civil Rules 56.1 of the Local Rules of the United States District Court for the Southern and Eastern District of New York, Defendants Advanced Footcare Associates improperly sued herein as John Doe PC d/b/a Advanced Footcare Associates, Hal F. Abrahamson and Hal F. Abrahamson improperly sued herein as the Executor of the Estate of Ivan Abrahamson, submits the following Counter Statement of Facts in opposition to Plaintiff's motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Attached to the accompanying Declaration of Daniel R. Olivieri, Esq dated May 20, 2022, is a copy of the Summons and Complaint (Exhibit A) and Answer (Exhibit B). Defendants submit this Statement as follows:

1. The Parties:

There is no John Doe PC d/b/a Aadvanced Footcare Associates as alleged in Paragraph 6 of the Complaint, however a copy of the Certificate of General Partnership, a copy of which is annexed to Olivieri Declaration as Exhibit C.

2. Plaintiff is Daniel J. Pflanzner in Paragraph 7 of the Complaint (Exhibit A) is not employed by Defendant Aadvanced Footcare Associates.

3. Defendant Hal F. Abrahamson is a natural person and a doctor of podiatric medicine licensed by the State of New York and is the partner in Aadvanced Footcare Associates.

4. Defendant Debra B. Manheim is a doctor of podiatric medicine who is no longer a party to the action pursuant to the Stipulation of Discontinuance (Exhibit F).

5. In addition, Hal F. Abrahamson is not an executor of an Estate of Ivan Abrahamson and Objects to Plaintiffs request for more discovery.

6. Plaintiff was never an employee of Aadvanced Footcare Associates nor any of the other Defendants.

7. Plaintiff never performed any of the alleged purported duties as set forth in Paragraphs 17 and 18 of the Complaint.

8. Plaintiff did not regularly work for the Defendants as alleged in Paragraphs 24 and 25 of the Complaint.

9. Plaintiff did not regularly work any minimum hours per week as alleged in Paragraph 25 of the Complaint.

10. Defendant Hal F. Abrahamson is a partner in Aadvanced Footcare Associates and has control over said business including employees and the daily operations of said partnership as alleged in Paragraphs 28, 29 and 30 of the Complaint.

11. Ivan Abrahamson is deceased.

12. Lori Karp, at all relevant times was the office manager for Aadvanced Footcare Associates

13. Plaintiff is not entitled to any compensation nor any of the benefits under the Fair Labor Standards Act as he was never an employee as alleged in Paragraphs 32 through 39 of the Complaint.

14. Plaintiff was never an employee of Aadvanced Footcare Associates or any of the Defendants and is not entitled to any wages or any relief under New York Labor Law as alleged in Paragraphs 41 through 44 of the Complaint.

Dated: Syosset, New York
May 20, 2022

Respectfully submitted,

LAW OFFICE OF DANIEL R. OLIVIERI, P.C.

By: /s/ Daniel R. Olivieri
Daniel R. Olivieri, Esq.
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Associates and Hal F. Abrahamson
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